

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**LADARIUS D. MCGHEE,**

**Plaintiff,**

**v.**

**Case No. 24-CV-1232**

**DONALD J. TRUMP, *et al.*,**

**Defendants.**

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**REPORT AND RECOMMENDATION**

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On September 26, 2024, LaDarius D. McGhee, who is incarcerated and representing himself, filed a civil rights complaint under 42 U.S.C. § 1983 alleging that the defendants violated his constitutional rights. (ECF No. 1.) McGhee did not move to proceed without prepayment of the filing fee.

That same day, the clerk of court's office sent McGhee a letter requesting that he consent to magistrate judge jurisdiction and either pay the full filing fee or file a motion to proceed without prepayment of the filing fee. (ECF No. 2.) The letter warned McGhee that failure to comply with these requirements may result in the dismissal of his case.

The court did not hear from McGhee. On October 28, 2024, the clerk of court's office sent a second letter requesting that he consent to magistrate judge jurisdiction and either pay the full filing fee or file a motion to proceed without prepayment of the

filing fee. (ECF No. 3.). It again warned McGhee that failure to comply by the deadline would result in dismissal of his case without prejudice.

On December 2, 2024, the clerk of court's office sent a third request that McGhee submit his consent to magistrate judge jurisdiction form and either pay the full filing fee or a file a motion to proceed without prepayment of the filing fee within seven days. (ECF No. 4.) The court has not heard from McGhee.

Because none of the parties have consented to magistrate judge jurisdiction, this court cannot "resolve the case finally." *See Coleman v. Labor & Indus. Review Comm'n*, 860 F.3d 461, 475 (7th Cir. 2017). The clerk of court shall therefore randomly assign this matter to a district judge for consideration of the recommendations outlined below.

To date, the court has not heard from McGhee, nor has he moved to proceed without prepayment of the filing fee or paid the full filing fee. For this reason, the court recommends that McGhee's complaint be dismissed without prejudice.

**NOW, THEREFORE, IT IS RECOMMENDED** that McGhee's complaint (ECF No. 1) be **DISMISSED without prejudice**.

**IT IS FURTHER RECOMMENDED** that, pursuant to 28 U.S.C. §1915(b)(1), McGhee must pay the \$350 statutory filing fee. Accordingly, the agency having custody of McGhee shall collect from his institution trust account the \$350 statutory filing fee by collecting monthly payments from McGhee's prison trust account in an amount equal to 20 percent of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount

in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If McGhee is transferred to another institution, the transferring institution shall forward a copy of this Order along with McGhee's remaining balance to the receiving institution.

Your attention is directed to 28 U.S.C. § 636(b)(1)(B) and (C), Fed. R. Civ. P. 72(b)(2), and E.D. Wis. Gen. L. R. 72(c), whereby written objections to any recommendation herein, or part thereof, may be filed within fourteen days of entry of this recommendation. Failure to file a timely objection with the district judge shall result in a waiver of your right to appeal.

Dated in Milwaukee, Wisconsin this 16th day of December, 2024.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style with a horizontal line underneath the name.

WILLIAM E. DUFFIN  
United States Magistrate Judge